

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 326
CASE NO. 80-6
DECEMBER 11, 1980

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on Thursday, October 30, 1980. At this hearing session the Zoning Commission considered an application from the District of Columbia Department of Housing and Community Development (DHCD) to amend the Zoning Map of the District of Columbia.

FINDINGS OF FACT

1. The application requests a change of zoning from R-5-D to C-2-A for lots 31,32,827-231, part of lots 48,815,816, and 818-826, and a public alley proposed to be closed in Square 449. At its regular monthly meeting held on July 10, 1980, the Zoning Commission, on its own initiative and with the agreement of the applicant, broadened the rezoning consideration to include alternative zoning districts, namely C-2-B and C-2-C, when it authorized a public hearing for this case.
2. The subject site is located on the east side of Seventh Street between "L" and "M" Streets, N.W., and consists of approximately 37,600 square feet.
3. The R-5-D District permits general residential uses of high density development, including single-family dwellings, flats, and apartments to a maximum height of ninety-feet, a maximum floor area ratio (FAR) of 6.0, and a maximum lot occupancy of seventy-five percent. The C-2-A District permits community business and employment center uses of low density development, including office, retail, housing, and mixed uses to a maximum height of fifty feet, a maximum FAR of 2.5 for residential and 1.5 for other permitted uses, and a maximum lot occupancy of sixty percent. The C-2-B District permits community business and employment center uses of medium density development, including office, retail, housing and mixed uses to a maximum height of sixty-five feet, a maximum FAR of 3.5 for residential and 1.5 for other permitted uses, and a maximum of lot occupancy of eighty percent. The C-2-C District permits community business and employment center uses of high density development, including office,

retail, housing, and mixed uses to a maximum height of ninety feet, a maximum FAR of 6.0 for residential and 2.0 for other permitted uses, and a maximum lot occupancy of eighty per cent.

4. The applicant proposes to construct a medium density residential development containing 158 dwelling units, at fifty-six dwelling units per area, and some complimentary retail and personal service facilities. The total development will have an FAR of 1.2, a lot occupancy of thirty-two percent, a building height of less than forty feet, and slightly in excess of one parking space per two dwelling units.
5. The site is a part of Parcel 11 of the Downtown Urban Renewal Area. Parcel 11 covers a major portion of Square 449, is partially cleared for development, and has a slight north-to-south slope in topography. There are also two churches in Square 449, St. Stephen's Baptist Church at 628 M Street, and the Galbraith A.M.E. Zion Church at 1114 6th Street, N.W. Each church will be retained under the proposal.
6. Under the Urban Renewal Plan, Parcel 11 provides for residential development at a maximum density of sixty dwelling units per acre, a maximum building height of sixty feet, a maximum lot occupancy of sixty-five percent, a maximum FAR of 1.8 and off-street parking at a minimum of one space per two dwelling units.
7. The zoning immediately to the north and across "M" Street from the site is C-2-B, and one block beyond that is R-5-C, The zoning to the northwest and west of the site cross Seventh street is C-2-A. The zoning to the southwest across Seventh and L Streets is C-3-C. The zoning to the south, southeast, and east is R-5-D, and the zoning to the northeast is R-5-B.
8. Uses to the north of the site are residential, namely garden-type apartments. Uses to the east of the site are residential and institutional, namely row-houses and a church. Uses to the south are predominately commercial retail and service in nature. Uses to the west and southwest are proposed institutional uses for the University of District of Columbia, in the form of four cleared-for-development city blocks for the proposed University of District of Columbia downtown campus. To the immediate northwest of the site is a cleared portion of a city block proposed for the new Metrorail subway stop. Further to the northwest and two blocks away is a major grocery shopping facility in the form of a new Giant Supermarket and

a rehabilitated historic landmark, the "O" Street Market.

9. The Redevelopment Land Agency designated the United House of Prayer for All People as the redeveloper of Parcel 11. The redeveloper's church is located at the northwest corner of Sixth and "M" Streets, N.W., across "M" Street from the site. It is privately financing the subject project with its own funds and without federal subsidies. The redeveloper built the Canaanland Apartment complex, which is directly north of the subject site, to a level of high standards, and maintains it well.
10. The applicant by testimony presented at the public hearing indicated that the portion of Parcel 11 that is proposed to be rezoned was suggested by the Zoning Administrator and reflects the minimum area that is needed to accommodate the proposed development. The boundaries reflected the minimum commercial area needed for the applicant to realize its development objectives. The applicant also testified that the existing alley system an Square 449 was proposed to be closed and a new alley system would be developed to serve the rowhouses on Sixth Street and the two churches in the square.
11. The Office of Planning and Development (OPD) by memorandum dated October 23, 1980 and by testimony presented at the public hearing recommended approval of C-2-A rezoning because it would represent an extension of a large tract of C-2-A zoning existing across Seventh Street. The OPD stated that the proposed convenience shopping facility would serve the needs of the immediate residents. The OPD further indicated by testimony that it did not object to the rezoning of C-2-B or C-2-C as long as the applicant's objectives were realized. The Commission finds that between the zoning districts under consideration for change, the C-2-C District best reflect the height and density standards of the existing R-5-D zoning without diminishing the objectives of the applicant. The C-2-C District further allows an appropriate level of development for a site close to the Central Employment Area and immediately across from a proposed Metro Station.
12. The D.C. Department of Environment Services (DES) by memorandum dated September 15, 1980 reported that the existing water distribution system serving the area should be adequate to accommodate the proposed development. Also, the proposed development should not significantly increase storm water runoff from the site, however, on-site storage or other storm-water management measure is recommended in order to provide maximum protection of property and to assist in reducing the general load on the combined sewers in the area. The development of the site will have to conform to the Soil Erosion and Sediment Control Regulations of the District of Columbia. The proposed development should have no significant impact on DES

solid waste collection and disposal activities. Based on testimony by the applicant, the Commission finds that the issue of storm-water retention would be resolved by the redeveloper and the DES.

13. The D.C. Fire Department by memorandum dated September 16, 1980 reported that the rezoning would not adversely affect the operations of that agency. The Commission so finds.
14. The D.C. Office of Business and Economic Development by memorandum dated October 1, 1980 reported that new retail and personal service establishments will strengthen the viability of the area and has recommended that the application be approved. The Commission so finds.
15. Advisory Neighborhood Commission - 2C by letter dated October 30, 1980 and by testimony presented at the public hearing supported the project, as it would help relieve the housing crisis that existed in the city for low and moderate income residents. The Commission so finds.
16. Parties in the case, who were initially opposed to the proposal, testified at the public hearing and changed their position to one of support of the application. The parties believed that their concerns for protection of adjacent property they owned had been adequately addressed.
17. The application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC reported that the proposed rezoning will not have an adverse impact on the functions of the Federal Establishment or other Federal interests in the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to C-2-C is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797), by furthering the general public welfare and serving to stabilize and improve the area.

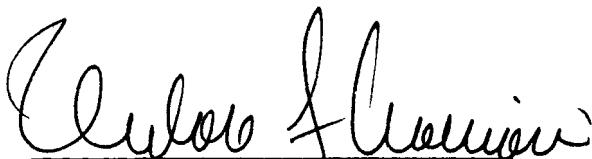
2. Rezoning to C-2-C will promote orderly development in conformity with the entirety of the District of Columbia Zoning Map as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to C-2-C will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to C-2-C is consistent with the Urban Renewal Plan for the downtown area.
5. The Commission takes note of the position of the Advisory Neighborhood Commission, and in its decision has accorded, the ANC the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of the following action:

Change from R-5-D to C-2-C lots 31,32,827-831, and part of lots 48,815,816, and 818-826 in square 449 located on the east side of Seventh Street between "L" and "M" Streets, N.W., as identified on the plat marked as Exhibit #2 in the record of the case.

Vote of the Commission taken at the public hearing held on October 30, 1980: 3-0(Commissioners Walter B. Lewis, Ruby B. McZier, and Theodore F. Mariani, to approve C-2-C - Commissioners John G. Parsons and George M. White, not present, not voting).



THEODORE F. MARIANI
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on December 11, 1980 by a vote of 3-0(Commissioners Walter B. Lewis, Ruby B. McZier, and Theodore F. Mariani, to adopt - Commissioners George M. White and John G. Parsons, not voting, not having participated in the case).

In accordance with Section 4.5 of the Rules or Practice and Procedure before the Zoning Commission of the District of Columbia (26 D.C. Register, 1865-1887, October 26, 1979), this order is final and effective on 26 DEC 1980.

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